

## **REMARKS/ARGUMENTS**

In the Office Action dated August 29, 2006, the Examiner 1) rejected claims 60, 62, 63, and 66–70 under 35 U.S.C. § 103(a) as being obvious over either JP 11 155 271 ("JP '271") or DE 1810811 ("DE '811") in view of *Kress* (U.S. Patent 1,957,462); 2) rejected claims 61, 64, and 65 under 35 U.S.C. § 103(a) as being unpatentable over DE '811 in view of either *Rozmus* or *Kress*, further in view of *Chow* (U.S. Patent 5,533,427); and 3) allowed claims 21–25, 40–41, 57 and 59.

In responding to the rejections below, Applicant makes arguments addressed to specific claims. Applicant's arguments are intended to be limited to the claims to which they are addressed. Such arguments are not intended to apply to similar language in other claims not expressly addressed by the arguments.

### **Rejections under 35 U.S.C. § 103(a)**

Claims 60, 62, 63, and 66–70 were rejected under 35 U.S.C. § 103(a) as being unpatentable over either JP '271 or DE '811 in view of *Kress*.

In DE '811, the pawl is moved in a side direction by a slotted sleeve 24, which does not bear on the recess wall of the recess 17 of the pawl to cooperate with end shoulders of the recess but is engaged with a cross-pin 18 fixed to the pawl to cross the recess as shown in fig. 2. The cross-pin 18 is engaged in a slot 25 of the sleeve 24 to be moved by the side walls of the slot 25 in a side direction as the switch member 20 is rotated between its switching positions shown in Figures 1 and 4. On the other hand, the cross-pin 18 engages the respective side wall of the slot 25 of the sleeve 24 in a side direction when the pawl is ratcheting in one of its pawl positions as shown in Figure 3. The force to move the pawl in a side direction between the pawl positions and to urge the pawl into a side direction in each of the pawl positions thereof is generated by an additional ball-spring arrangement 22 and 23 cooperating with oblique faces of a projection of the switch member 20 between recesses 21<sup>a</sup> and 21<sup>b</sup> of the switch member to respectively impart a moment of rotation to the switch member and, thus, to the sleeve.

In *Kress*, when the pawl 25 is in a pawl location, the pawl 25 is urged in a side direction by a pin 41 biased by a spring 42 as described in page 2, lines 13 to 24. Moreover, the pawl 25 is rotatable and not slidable along a peripheral section of the hole 23 housing the ratchet wheel 24. Therefore, in addition to the feature of the present invention that the pin bears substantially in its longitudinal direction to urge the pawl in the ratcheting positions thereof, there is a clear further

difference in the present invention over a pawl which is rotated between its ratcheting positions (as in *Kress*) instead of being moved in a side direction between its ratcheting positions (pawl positions) along a peripheral section of the hole. A further difference in *Kress* is that the pin is not rotated while the pawl is shifted.

As for JP '271, as can be appreciated from Figure 10 thereof, the pawl 12 is in its lower ratcheting position (pawl location) though the switch member 14 is already rotated into its upper switching position. That means the pawl is not moved by the pin as the pin rotates between the switching positions, but can be moved by the pin only when the pin is in a switching position. Indeed, though the pin 14 seems to bear on an "end shoulder" 13<sup>a</sup> or 13<sup>b</sup> of a recess wall 13 of the pawl in a longitudinal pin direction in each of the pawl locations (cf. Figure 3), the pawl 12 is not intended to be shifted along a peripheral section of the hole 3 housing the drive member 4. Instead, according to JP '271, the pawl is intended to be tilted by the pin 14 when in a position as shown in Figure 10.

Amended claim 60 recites that when the switch member is moved from one switching position to the other switching position for moving the pawl from one pawl location to the other pawl location, the first end of the pin moves from one end shoulder to the other end shoulder of the recess of the pawl. Particularly, when one of the first and second end shoulders is engaged by the first end of the pin in one of the first and second switching positions and in one of the first and second pawl locations, the one of the first and second end shoulders takes a position in which the first end of the pin is bearing thereon substantially in the longitudinal direction of the pin, thereby bearing an associated one of the first and second pawl end portions against an associated one of the first and second cavity wall portions, while the other of the first and second end shoulders takes an intermediate position between the first and second cavity wall portions, in which the first end of the pin, as the switch member is rotated to the other of the first and second switching positions, becomes engaged with the other of the first and second end shoulders in a side direction of the pin when the first end of the pin is in a mid location between the first and second cavity wall portions, so as to shift the pawl into the other of the first and second pawl locations as the pin continues to rotate from the mid location into the other of the first and second switching positions

These features are not disclosed in any one of JP '271, DE '811, and *Kress*. Movements of the switch member and the pawl during direction-changing operation are shown in Figures 8A-8D below. Figures 8A-8D are not intended for inclusion with the present application as filed but are submitted as an aid to the Examiner. Figure 8A illustrates initial contact between the first end of the

pin and the other end shoulder of the pawl, Figure 8B illustrates initial pressing of the first end of the pin against the other end shoulder of the pawl, Figure 8C illustrates sliding movement toward the other pawl location of the pawl under the action of the first end of the pin, and Figure 8D illustrates the final position of the first end of the pin and the pawl after direction-changing operation. Figure 4 of the present application merely shows the transition position for the ratchet-type wrench that allows free rotation in both directions, not detailed movements of the switch member and the pawl when moving the switch member from one switching position to the other.

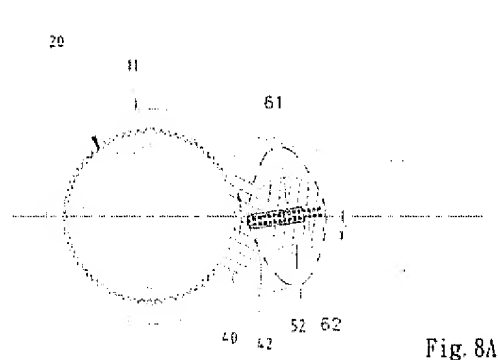


Fig. 8A

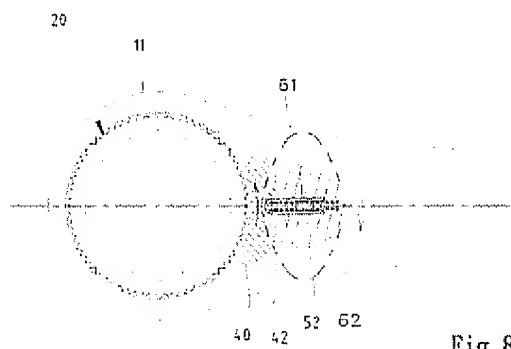


Fig. 8B

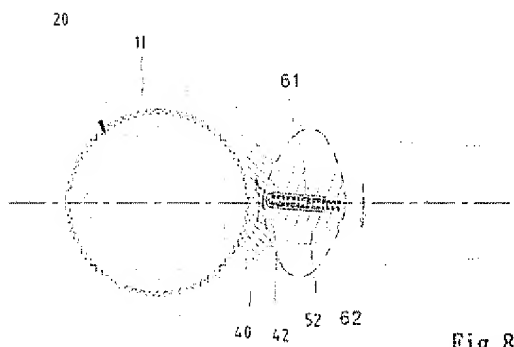


Fig. 8C

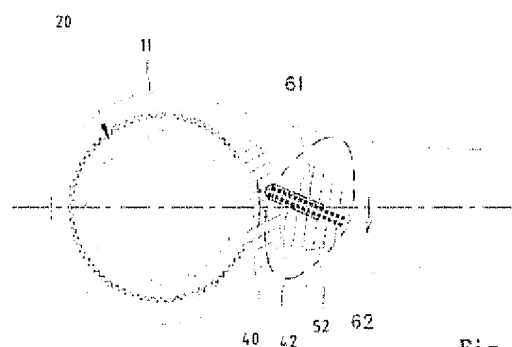


Fig. 8D

As none of the references cited by the Examiner teach a novel combination of the reversible ratchet-type wrench recited in amended claim 60, Applicant respectfully asserts that claim 60 as amended is in allowable form.

In use of a reversible ratchet-type wrench, when the drive member is engaged with a fastener, the drive member is retained in place by the fastener if the wrench is not turned. However, on-site direction-changing cannot be done in *Kress*; namely, the user cannot directly switch the driving direction of the wrench when the drive member is engaged with the fastener, for the switch member and the pawl of *Kress* cannot be pivoted when the drive member is retained in place. Hence, the user

has to disengage the wrench from the fastener for changing the driving direction of the wrench and then engages the wrench with the fastener again, leading to inconvenience to operation.

The wrench of DE '811 also fails to allow on-site direction-changing for similar reasons, as pivotal movement of the pawl is not allowed when the switch member is turned if the drive member is engaged with a fastener. In addition to failing to disclose the sliding movement of the pawl, the pin of DE'811 does not press against any wall portion while the drive member is moving from one position to the other.

As for JP '271, when the switch member is moved from one position to the other, the pin of JP '271 leaving one wall portion of the pawl does not press against the other wall portion before the pin reaches its final position. Hence, no force is imparted to the pawl during movement of the pawl before the pin reaches its final position where the pawl is pushed from one position to the other. As a result, the pawl cannot be moved when the switch member is pivoted if the drive member is engaged with a fastener. Since the disclosure of JP '271 is not clear, Applicant has manufactured a sample product of the wrench disclosed by JP '271. After an operation test, it was proven that the sample product of JP '271 could not allow on-site direction-changing, either. Further, the pin of JP '271 merely slides through (not pressing against) the intermediate wall portion between the end walls of the recess of the pawl during the direction-changing operation.

Newly added claim 72 recites that when the drive member is engaged with a fastener, and when the switch member is moved from one of the positions to the other position for moving the pawl from one of the first and second locations to the other of the first and second locations, the first end of the pin moves from one of the first and second wall portions to the other of the first and second wall portions of the pawl, with the first end of the pin pressing against the other of the first and second wall portions of the pawl when a longitudinal axis of the pin is parallel with a longitudinal axis of the handle, thereby imparting a force to the other of the first and second wall portions of the pawl for moving the pawl from one of the first and second locations to the other of the first and second locations, with the first end of the pin pressing against the intermediate wall portion of the pawl during movement from one of the first and second wall portions to the other of the first and second wall portions of the pawl. This allows on-site direction-changing that cannot be achieved in JP '271, DE '811, and *Kress*. Movements of the switch member and the pawl during direction-changing operation are shown in Figures 8A-8D above.

As none of the references cited by the Examiner teach a novel combination of the reversible ratchet-type wrench allowing on-site direction-changing, Applicant respectfully asserts that claim 60 as amended is in allowable form.

Moreover, the Examiner continues to engage in impermissible hindsight in formulating the rejections of the present claims based on obviousness. The Examiner is selectively identifying prior art teachings based on the knowledge learned from the disclosure of the present claimed invention, which is improper. It is impermissible within the framework of 35 U.S.C. § 103 to pick and choose from any one reference only so much of it as will support a given position.<sup>1</sup> In this case, the Examiner has failed to show how Applicant would have been motivated to selectively pick and choose elements from the various cited prior art references so as to arrive at the claimed invention without using the claims of the present invention as a guide. As a result, the Examiner's combination of references cannot support the claim rejections based on an assertion of obviousness under 35 U.S.C. § 103(a).

Claims 61, 64, and 65 were rejected under 35 U.S.C. § 103(a) as being unpatentable over DE '811 in view of either *Rozmus* or *Kress*, further in view of *Chow*. Claims 61, 64 and 65 depend from claim 60, and therefore the limitations of claim 60 are included in the scope of claims 61, 64 and 65. When an independent claim is nonobvious under 35 U.S.C. § 103, any claim depending therefrom is nonobvious.<sup>2</sup> As claims 61, 64, and 65 depend from claim 60, Applicant submits that claims 61, 64, and 65 are also not obvious under 35 U.S.C. § 103. Applicant submits that claims 61, 64, and 65 are in condition for allowance.

The Examiner did not state his reasons rejecting claim 71. Amended claim 71 recites that the recess wall includes a bottom wall portion intermediate the first end shoulder and the second end shoulder. The bottom wall portion has a length between the first end shoulder and the second end shoulder. The length is substantially larger than a thickness of the first end of the pin, whereby the first end of the pin is slidable between the end shoulders along the bottom wall portion without sliding the pawl. Applicant respectfully submits that claim 71 is in condition for allowance.

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<sup>1</sup> *Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve, Inc.*, 796 F.2d 443, 448 (Fed. Cir. 1986).

<sup>2</sup> MPEP § 2143.03.

**Conclusion**

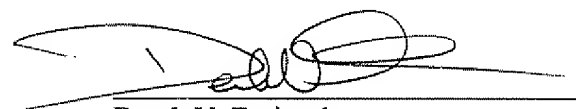
All pending claims are believed to be free of the prior art and reconsideration and withdrawal of the rejections are respectfully requested. Applicant believes that this is a full and complete response to each rejection. If any item has been overlooked, Applicant respectfully requests the opportunity to supplement this response.

Applicant's attorney may have at times referred to claim limitations in short-hand fashion, or may have focused on a particular claim element in these remarks. These remarks should not be interpreted to mean that the other limitations of the claims can be ignored or dismissed. Instead, each claim must be viewed in its entirety, and each of its limitations be considered when determining the patentability of that claim.

Allowance of claims 21-25, 40-41, 57, and 59-72 is respectfully requested. If the Examiner believes that a telephonic interview would be beneficial, the Examiner is invited to contact the undersigned at the number listed below.

Should any fees have been inadvertently omitted, or if any additional fees are required, or if any fees have been overpaid, please appropriately charge or credit to those fees to Deposit Account No. 03-2769 of Conley Rose, P.C., Houston, Texas and consider this paper a petition for any necessary extension of time.

Respectfully submitted,



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